

1 In other words, instead of taking a
2 conciliatory type approach, he took a hard ass
3 approach. To be honest with you, I think it pissed
4 Greg off. Excuse the language, but this is -- this is,
5 you know. And it lasted maybe four or five minutes.

6 Greg said, "Well, I'm going to my office.
7 I'm going to think about it. I'll get back down with
8 you. Let me give you," and he gave me Sylvia's memo at
9 that point, the first time, before he left.

10 Q Right.

11 A So I said, "Well." On the way out Bob
12 tried to tell him, you know, "Greg, why don't you stop,
13 let's talk about it?" Greg says, "No, I'm going to go
14 up and get a cup of coffee and cool off." So Greg
15 leaves.

16 Sometime later, 9:15, 9:20, Greg comes
17 back, everybody's gone. Greg comes back and says,
18 "I've got this letter for you." He says, "I want you
19 to call the Sheriff's Office, I want you to call the
20 JQC, I want a criminal investigation, I want this, I
21 want that." And I said, "Fine," I said, "but let
22 me --" I said, "Sit down for a minute." I said, "Cool
23 off."

24 And I had told him that Friday. I had
25 talked to Greg on Friday when I came into the office.

1 I called him. I said, "Look, I have set a meeting for
2 Monday. Just cool off. We'll talk about it when you
3 get back." And I might have talked to Greg over the
4 weekend, Jerry, I'm not sure, before the meeting.

5 Q All right.

6 A Anyway, he gives me the letter, I look at
7 it. I said, "Look, Greg," I said, "if I learned
8 anything from the prior administration in the State
9 Attorney's Office is that when this happens, when you
10 write a letter like this," and I hadn't read the whole
11 letter, I said, "normally the advice I'm going to give
12 you, because I don't want you to come six months from
13 now and say, 'Chief, why didn't you talk me out of it?'
14 is you get the letter, you put it in the drawer, you
15 close it and you wait three days. You come back in
16 three days, you take it out. You may want to modify
17 it, you may not. But if you feel as strong as you do,
18 then you send the letter. That's my recommendation.
19 Why don't you sit and think about it."

20 "No, I've made up my mind," this, that,
21 and the other. I said, "Fine, we'll do it." Ten
22 minutes after he leaves I call Colonel Gee or Colonel
23 Diecidue, I'm not sure, I called one or both, advised
24 him about it.

25 Colonel Gee tells me, "Dennis, I already

1 know. I've had Graham Brink from the St. Pete Times
2 calling me about a letter." Now, this is no more than
3 ten minutes after Judge Holder has left my office.

4 I tell David, my counsel, "I want you to
5 call Tom McDonald," who is the General Counsel of the
6 JQC, "and tell him. David talks to Tom McDonald and
7 says, "He already knows about it. He was told about
8 this over the weekend."

9 So at that point in time everything he
10 wants me to do he's already done. I'm getting calls
11 from the media about this letter, and the letter is
12 still hot from the printer, you know. So he's gone out
13 and called the media about the letter.

14 So, and then what even bothered me more
15 is when the letter is dated the 29th and he's giving it
16 to me the 31st. And that's when I corrected it, you
17 know. And he had certain things in the letter that I
18 took issue with. But I said, "Fine," I said, "I'll do
19 what you want me to do." So I turned it over to
20 Colonel Gee and to the JQC.

21 Q Okay.

22 A And that's the last conversation I had
23 with him that morning in reference to -- in reference
24 to the letter.

25 Jerry, I don't know if you've got this

1 e-mail in reference to the Barbas case that was sent
2 out to -- by my General Counsel dated June 28th. This
3 was -- it says, "The above-referenced case is a
4 paternity action filed by the brother of one of our
5 Circuit Judges. All of the judges in the Family Law
6 Division have recused themselves. Judge Bonanno asked
7 me to direct the clerk to reassign this case randomly
8 to one of the Circuit Civil divisions. Before
9 attempting to obtain an out-of-circuit judge, we wanted
10 to determine if any of the judges in the Circuit Civil
11 division could hear this case." I don't know if you
12 all ever received that.

13 Q I haven't seen it. That's from who and
14 dated --

15 A That's from Dave Roland, my General
16 Counsel.

17 Q Okay. All right.

18 A Because remember, I think when we had
19 talked we had talked about how the recusal thing works,
20 how -- the assignment of the cases.

21 Q Right. Right.

22 A I had talked to my General Counsel about
23 if he recalls how all this happened about how the case
24 got to Bonanno.

25 Q Right.

1 A Because I wasn't even sure about it.

2 Q Do you know the date of the last action
3 by Judge Holder on that particular case?

4 A Again, I had my -- I had David Roland,
5 Jerry, if -- I will leave it, do a chronological order
6 of everything that happened in the file.

7 Q Great.

8 A Okay. Greg Holder disqualifies himself
9 on June 13th.

10 Q Okay.

11 A Okay. Then different judges, and Judge
12 Maye, Judge Ron Ficarrotta, Judge Baumann, Judge
13 Crenshaw after that recuse themselves.

14 Q Okay.

15 A This is the e-mail of the 28th. Come
16 down to July the 9th. Judge Holder signs an Order of
17 Social Investigation and Study.

18 Q Okay. This is after he's recused
19 himself?

20 A And he nunc pro tuncs it back to the
21 12th.

22 Q Okay.

23 A Nunc pro tunc means it's effective back
24 to June the 12th even though it's signed July the 9th.
25 He does that on July the 9th. Also on July the 9th he

1 signs another Order on Motion for Temporary Visitation
2 and so forth.

3 Q Is that a nunc pro tunc?

4 A That's also a nunc pro tunc. And then on
5 July, July 20th is when that Motion for Rehearing is
6 filed.

7 Q Okay. Well, --

8 A So the last action that he's taken,
9 Jerry, is July, according to this, July -- July the 9th
10 that he pro tuncs everything back to June the 12th, the
11 day before he disqualified himself.

12 Q After that July the 9th activity by Judge
13 Holder is there anything else presented to him for his
14 consideration? And who is the assigned judge at that
15 point in time?

16 A Okay. On June the 19th Judge Crenshaw
17 recuses herself. I've got a letter here that was not
18 in the Clerk -- in the court file, Jerry. This is a
19 letter from the Clerk's office to counsel in the case
20 that this action has been assigned to the Honorable
21 Robert H. Bonanno, Division E Civil, effective date
22 June 19th. That's the date that Crenshaw recused
23 herself. All right. This doesn't -- that's not in the
24 file.

25 Q Got you.

1 A They normally send letters to me from the
2 Clerk's office, a copy of a letter where the case has
3 been reassigned for whatever reason.

4 Q Well, let me ask you quickly, it appears
5 it was Judge Bonanno's case then after that last June
6 entry, maybe even as of the time of the last June entry
7 by Judge Holder, --

8 A Uh-huh.

9 Q -- indicated anything else that's pending
10 before Judge Holder, who has conflicted off this
11 thing -- anything else pending before him?

12 A I don't think so. According to this
13 there was nothing else. July 9th Judge Holder signed
14 nunc pro tunc again June 12th. The only thing I can
15 see, according to my notes here, is that the last thing
16 that Judge Holder did, and this was July the 9th, was
17 the Nunc Pro Tunc Order.

18 Q If you recuse yourself in a case, what
19 further contact should you have regarding that case?

20 A You shouldn't have any further contact.

21 Q Well, we know that there were at least
22 three Orders entered nunc pro tunc.

23 A Uh-huh.

24 Q But after that last one was entered can
25 you think of any conceivable reason that a judge that

1 has recused himself, any of those judges, should have
2 anything to do with that case?

3 A No, it should be taken care of by the
4 judge, whoever gets the case assigned to him.

5 Q Why, if you've recused yourself,
6 ethically what right do I have to come to you a month
7 later and say, "Hey, I've got this case, let's talk
8 about this thing a little bit"? Is there anything
9 right or wrong about doing that?

10 A No, it happens all the time, especially
11 with something like this when a Motion for Rehearing
12 was filed. Being the fact that he had signed some
13 Orders after he had recused him, but basically, you
14 know, saying, you know, would you hear the case,
15 re-hear it? Because it does two things --

16 Q Well, could he? Could he?

17 A Well, I think he could probably set aside
18 his -- check with counsel to see if they have any
19 objection for him to rule on the Motion for Rehearing.

20 And it basically would be beneficial to
21 the litigants, Jerry, for two reasons: (1) I don't
22 know if there was a court reporter, okay. The only way
23 that Judge Bonanno in this case who had the case could
24 have ruled on that Motion for Rehearing was one of two
25 ways: Hear it all over again, bring in all the

1 witnesses, all right, or order a copy of the
2 transcript, which if it was a lengthy hearing would
3 have been expensive to get a copy of the transcript.

4 So logically, to be honest, it would have
5 been, "Can you rule on this Motion for Rehearing? If
6 not, this is what I've got to do."

7 Q Did he ever rule and that Motion for
8 Rehearing?

9 A No.

10 Q What's the status of it? What happened?
11 Was it reheard or was it denied?

12 A July, let's see. Bonanno recused himself
13 on the 15th of August. On August 30th we got a
14 letter -- we got an Order from the Chief Justice to
15 assign the case to Judge Robert Doyle in Bartow.

16 Q I'm familiar with him.

17 A So Judge Doyle has got the case. And
18 then after that, which it happened already but we
19 already had knew because of this e-mail here that David
20 sent, that we knew that other judges that David had
21 talked to that had called him in reference to this,
22 like Judge Arnold, Judge Menendez would have recused
23 theirselves, they would not have heard the case. But as
24 of August 15th Bonanno is off it.

25 I don't know if Bonanno had any hearings

1 on it or not, but as I understand, the Motion for
2 Rehearing is still pending. But there would have been
3 reason to speculate. There would have been reason for
4 Holder, and basically to financial reasons for
5 litigants, for Holder either to rule on the Motion for
6 Rehearing since he already had heard the actual
7 testimony, all right; or if not, if he would have said,
8 "No, I'm not going to do it," then order the
9 transcript.

10 Q Judge, I'm just about through with you.
11 You've been very gracious to us. Let me ask you this:
12 If I'm one of your judges and I want to order me a new
13 desk, a new chair, a new sofa, do I have to buy that,
14 or how is that accomplished?

15 A That comes through the county.

16 Q Is it done for --

17 A We pay for it.

18 Q Is it done almost automatically if I
19 request it?

20 A Uh-huh, yes.

21 Q Any limits on how much I can spend for
22 it?

23 A What's ever in the state contract.

24 Q Any need or justification that I have to
25 give you to make those purchases?

1 A It's got to be needed. You know, just
2 because you want a new desk I'm not going to give it to
3 you.

4 Q Well, then how do you -- how do you
5 confirm that I need it, if I tell you I need it?

6 A Well, I have my staff go and take a look
7 at it. They will go and take a look at it.

8 Q So I need to bang it up some before they
9 get there?

10 A Well, yeah. And also what we did, Jerry,
11 when I became Chief Judge the policy, we implemented
12 it, was all judges, all judges get the same style desk,
13 same, you know, so that if you move we don't have to
14 move furniture, we just move you and your own personal
15 effects, and the same furniture, credenza stays there,
16 because when the furniture gets damaged is in moving.

17 So unless a judge brings their own
18 personal stuff, which I've decided we're not paying for
19 anymore because I don't want to be responsible for
20 somebody's personal stuff, every Judge basically has
21 the same style of furniture; the desk, credenza, and so
22 forth.

23 Now, they may take their chairs with them
24 or their desk chairs, their couch and so forth, but
25 everything else stays.

1 Q Okay. Judge, I need to see if the Grand
2 Jurors have any questions of you, and then we're going
3 to wrap it up.

4 A Okay.

5 MR. HILL: Yes, ma'am.

6 EXAMINATION

7 BY GRAND JUROR:

8 Q Two quick ones. Why would Judge Bonanno
9 go to see Judge Holder about this case after hours?
10 Why wouldn't he go during regular hours? Why would he
11 go after five o'clock or as opposed to one o'clock?

12 A I don't know. But I don't consider 5:00,
13 5:15, 5:30 after hours.

14 Q Okay. One other quick question.

15 A If you stay around, there's a lot of
16 judges stay working until 7:00, 7:30 at night, you
17 know.

18 Q One other quick question. When you
19 were -- when you asked Judge Bonanno yourself, you said
20 yourself that you said, "Why did you stay there when he
21 wasn't there? That was a stupid thing to do," what was
22 his response to that? "I know, you're right," or --

23 A He says, "No," he said, "I was just
24 looking at the picture. I didn't realize it, and then
25 Sylvia Gay came in."

1 GRAND JUROR: All right.

2 THE WITNESS: Yes, ma'am?

3 BY GRAND JUROR:

4 Q Does every judge have a key that will fit
5 every other judge's office.

6 A Except for my office and Judge
7 Ficarrotta's office.

8 Q Okay. Do you mind me asking why?

9 A Back three years ago they had what they
10 called the Constitutional Court here in Tampa that made
11 threats on my life and threats on Judge Ficarrotta's
12 life.

13 I didn't take it serious until I had the
14 FDLE, the FBI, and the Marshall's office come to me and
15 tell me that they had information through informants
16 that these people were very, very serious. So when
17 they told me that, I said, "All right, I guess I'll
18 change the locks to my door." I took it serious at
19 that point in time.

20 Other than that, everybody's got keys.
21 And other than that, to be honest with you, I think
22 we've covered this, judges walk in other judges'
23 chambers. It is not, it is not uncommon in this
24 circuit to have people walk in other people's office
25 before, during, after hours. It's not uncommon,

1 especially 5:30, six o'clock.

2 Now, eleven, twelve o'clock at night
3 then, yeah, it would raise one big suspicion. But at
4 5:15, 5:30 in the afternoon I -- you know, and let me
5 say this to you. Let me apologize to you, all right.

6 I am embarrassed by what's happened, all
7 right. Although I am not my brother's keepers, all
8 right, I was hoping that two well-educated men could
9 have sat in my office and worked this out between them.

10 It's caused an embarrassment to the
11 judiciary here in Hillsborough County, and it's caused
12 an embarrassment to you as citizens of Hillsborough
13 County. And I offer my apology to you that this has
14 happened. I don't think -- I don't think it should
15 have gone this far.

16 And that's my honest feeling. I don't
17 know what the investigation has brought up, but I think
18 we have handled problems like this many times in the
19 past, and that's the way the problems, you know, should
20 have been handled.

21 Q Yes, sir.

22 MR. HILL: Yes, sir.

23 BY GRAND JUROR:

24 Q Judge, you indicated before that if you
25 couldn't handle an ethical/moral type thing one-on-one,

1 if that attempt one-on-one didn't work, then you would
2 refer it to JQC?

3 A (Nodded affirmatively.)

4 Q How many times in the past year have you
5 referred action to JQC for that sort of thing?

6 A We've met with the JQC probably three or
7 four times on other matters. Short of the JQC coming
8 in and filing a Notice of Investigation or a Notice of
9 Inquiry, where there's been a complaint, where I have
10 forwarded to the JQC and the JQC says, "Fine, let's sit
11 down and talk to the judge," all right, it's happened.
12 Because I think that's my job.

13 And they will tell us we are the first
14 line between handling problems at the court level and
15 the JQC. We try to handle things at a local level. If
16 it can't be done, then the next step is to go up.

17 GRAND JUROR: Thank you.

18 MR. HILL: I know we're really winding
19 down, aren't we? But there's one -- a question
20 here and a question here.

21 GRAND JUROR: My question is short.

22 MR. HILL: Okay. Bear with us one
23 second.

24 GRAND JUROR: Okay.

25 MR. HILL: Go ahead, sir.